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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/875,444   | 06/06/2001  | Bruce R. Baird       | 15184.2                 | 5041             |
| 7590   | 11/18/2005  |                      | EXAMINER                |                  |
| John C. Stringham<br>WORKMAN, NYDEGGER & SEELEY<br>1000 Eagle Gate Tower<br>60 East South Temple<br>Salt Lake City, UT 84111 |             |                      | WOO, ISAAC M            |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 2166                    |                  |
|  |             |                      | DATE MAILED: 11/18/2005 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                          |                  |
|------------------------------|--------------------------|------------------|
| <b>Office Action Summary</b> | Application No.          | Applicant(s)     |
|                              | 09/875,444               | BAIRD ET AL.     |
|                              | Examiner<br>Isaac M. Woo | Art Unit<br>2166 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 August 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10, 12-15 and 18-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10, 12-15 and 18-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date, _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is in response to Applicant's Amendments, filed on August 24, 2005 have been considered, but are deemed moot in view of new ground of rejections below.
  
2. Claims 1-2 and 12-15 are amended. Claims 11, 16-17 and 21 are canceled.  
Claims 1-10, 12-15 and 18-20 are pending.

### ***Claim Objections***

3. Claims 1, 14 and 18-19 are objected to because of the following informalities:  
Claims 1 recites, "In a system having at least one application, a method for executing a search from within an application". The phrase "from within" does not render clear meaning for claims 1, 18 and 19. The phrase "such that" for claims 1, 14 and 19, renders indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Pronouns are not permitted, only what is being referred by "that" should be set forth in the claim. For phrase "does not display" and "non browsing application", negative terms are not permitted for claims 1, 18 and 19. "selecting (identifying) one or more search terms within a first application" is missing for claims 1, 14 and 18-19, who or which is selecting, for instance, "computer is selecting or user is selecting". For claims 1, 14, 18 and 19, "coping", "paste", "deleting" and "saving" portions of the search results are just data editing, simply random data editing does not render any patentable weight. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-10, 12-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terheggen (U.S. Pub. No. 2002/0073079) in view of Leu (U.S. Patent No. 5,930,791).

With respect to claim 1, Terheggen discloses, selecting one or more search terms (58, Keyword entry, fig. 4) within a first application at a computer (51, input mechanism, fig. 4), see (page 6, section [0065]); activating the one or more search terms within the first application, see (52, input mechanism, (fig. 4), performs searching); performing a search based on the one or more search terms with a second application (system 42, fig. 1, page 6, sections [0064-0068]) at the computer, the computer remains in a context of the first application (fig. 1, page 6, sections [0064-0068]) and does not display the second application to user (negative terms are not permitted) returning search results to the first application to a user (53, records lists, search results, fig. 4, page 6, sections [0064-0068]); results generated by the second

application (system 42, fig. 1, page 6, sections [0064-0068]) to the first application (53, fig. 4, page 6, sections [0064-0068], page 2, sections [0018--31]); displaying the search results when a mouse arrow is moved over the selected search data in the first application, see (page 4, section [0051]). Terheggen does not explicitly disclose, copying at least a portion of the search results, pasting at least a portion of the search results, deleting a portion of the search results, saving at least a portion of the search results. However, Leu discloses, editing retrieved data (search results) from 50-52, on fig. 3, col. 5, lines 35-63 and the editing data includes deleting data, archiving data (arching is backing up data from one storage to different data storage, thus, data backing requires copying data from one storage and pasting copying to different data storage and saving the data), backup data (saving), fig. 4, fig. 6. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify by incorporating copying at least a portion of the search results, pasting at least a portion of the search results, deleting a portion of the search results, saving at least a portion of the search results with the system of Leu. Thus, one having ordinary skill in the art at the time the invention was made would have been motivated to use such a modification because that would provide Terheggen's system the enhanced editing search results data by method of coping, pasting, deleting and saving data for user-friendly displaying in data retrieval system.

With respect to claim 2, Terheggen discloses, first application is selected from word processor; spreadsheet, database, image processor; web browser text

recognition; email client, and operating system, see (50, fig. 4, page6, section [0064-0069]).

With respect to claim 3, Terheggen discloses, automatically selecting the one or more search terms pursuant to pre-defined rules, see (58, Keyword entry, fig. 4).

With respect to claim 4, Terheggen discloses, configuring the search, see (52, input mechanism, (fig. 4), performs searching, page 6, section [0064-0069])

With respect to claim 5, Terheggen discloses, searching according to a context fot eh one or more search terms, see (system 42, fig. 1, page 6, sections [0064-0068]).

With respect to claim 6, Terheggen discloses, storing the search results, see (page 6, sections [0064-0068]).

With respect to claim 7, Terheggen discloses, presenting the search results to the user without the user having to exit the first application, see (page 6, sections [0064-0068]).

With respect to claim 8, Terheggen discloses, search performs without the user having to exit the first application, see (page 6, section [0065]).

With respect to claim 9, Terheggen discloses, manipulating, by a user, the search results within the first application, see (page 6, sections [0064-0068]).

Claims 10 and 15, computer readable medium claims, are rejected discussed above in claim 1.

With respect to claim 12, Terheggen discloses, remote file, image file, sound file, and MPEG file and meta data, see (page 6, section [0065]).

With respect to claim 13, Terheggen discloses, configuring the search by selecting at least one search location, see (page 6, section [0065]).

With respect to claim 14, Terheggen discloses, selecting one or more search terms (58, Keyword entry, fig. 4) within a first application at a computer (51, input mechanism, fig. 4), see (page 6, section [0065]); activating the one or more search terms within the first application, see (52, input mechanism, (fig. 4), performs searching); performing a search based on the one or more search terms with a second application (system 42, fig. 1, page 6, sections [0064-0068]) at the computer, the computer remains in a context of the first application (fig. 1, page 6, sections [0064-0068]) and does not display the second application to user (negative terms are not permitted) returning search results to the first application to a user (53, records lists, search results, fig. 4, page 6, sections [0064-0068]); results generated by the second

application to the first application (53, fig. 4, page 6, sections [0064-0068], page 2, sections [0018--31]); displaying the search results when a mouse arrow is moved over the selected search data in the first application, see (page 4, section [0051]). Terheggen does not explicitly disclose, copying at least a portion of the search results into the first application pasting at least a portion of the search results into the first application deleting a portion of the search results, saving at least a portion of the search results. However, Leu discloses, editing retrieved data from 50-52, on fig. 3, col. 5, lines 35-63 and the editing data includes deleting data, archiving data (copying and pasting data), backup data (saving), fig. 4, fig. 6. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify by incorporating copying at least a portion of the search results into the first application pasting at least a portion of the search results into the first application deleting a portion of the search results, saving at least a portion of the search results with the system of Leu. Thus, one having ordinary skill in the art at the time the invention was made would have been motivated to use such a modification because that would provide Terheggen's system the enhanced editing search results data for user-friendly displaying in data retrieval system.

With respect to claims 18-19, Terheggen discloses, selecting searching data (58, Keyword entry, fig. 4) within a context of the first application at a computer (51, input mechanism, fig. 4), see (page 6, section [0065]), the first application is not a browser application (negative term are not permitted); activating the one or more search

terms within the first application, see (52, input mechanism, (fig. 4), performs searching); performing a search based on the one or more search terms with a second application (system 42, fig. 1, page 6, sections [0064-0068]) at the computer, the computer remains in a context of the first application (fig. 1, page 6, sections [0064-0068]) and does not display the second application to user (negative terms are not permitted) returning search results to the first application to a user (53, records lists, search results, fig. 4, page 6, sections [0064-0068]); results generated by the second application to the first application (53, fig. 4, page 6, sections [0064-0068], page 2, sections [0018--31]); displaying the search results when a mouse arrow is moved over the selected search data in the first application, see (page 4, section [0051]). Terheggen does not explicitly disclose, copying at least a portion of the search results into the first application pasting at least a portion of the search results into the first application deleting a portion of the search results, saving at least a portion of the search results. However, Leu discloses, editing retrieved data from 50-52, on fig. 3, col. 5, lines 35-63 and the editing data includes deleting data, archiving data (copying and pasting data), backup data (saving), fig. 4, fig. 6. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify by incorporating copying at least a portion of the search results into the first application pasting at least a portion of the search results into the first application deleting a portion of the search results, saving at least a portion of the search results with the system of Leu. Thus, one having ordinary skill in the art at the time the invention was made would have been motivated to use such a modification because that would provide

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Terheggen's system the enhanced editing search results data for user-friendly displaying in data retrieval system.

With respect to claim 20, Terheggen discloses, limit is placed on the number of search results to returned, see (page 6, sections [0064-0068]).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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IMW  
November 10, 2005



JEAN M. CORRIELUS  
PRIMARY EXAMINER